

**LOWENSTEIN SANDLER PC**

Attorneys at Law

65 Livingston Avenue

Roseland, New Jersey 07068

973.597.2500

*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

BANXCORP,

Plaintiff,

vs.

BANKRATE, INC.,

Defendant.

Document Electronically Filed

Civil Action No. 07-3398

**ORDER GRANTING  
DEFENDANT'S MOTION TO  
COMPEL PRODUCTION OF  
DOCUMENTS**

The above matter having been opened to the Court by Lowenstein Sandler, PC, attorneys for Defendant Bankrate, Inc. ("Bankrate"), upon application for an Order granting Bankrate's Motion to Compel Production of Documents and the Court, having considered the papers submitted and the arguments of counsel *on April 1, 2011* and for good cause shown,

It is on this 4 day of April, 2011,

**ORDERED** that Bankrate's Motion to Compel Production of Documents is hereby **GRANTED** *in part* and it is further

**ORDERED** that Plaintiff BanxCorp ("BanxCorp") will undertake a review of all of its documents and produce all of its non-privileged documents responsive to Bankrate's First and Second Requests for Production of Documents for the period between January 1, 2000 and the present, as well as all documents required under Fed. R. Civ. P. 26(a), on or before May 9, 2011; and it is further

**ORDERED** that Norbert Mehl will provide Bankrate and the Court with a sworn declaration on or before April <sup>14</sup>11, 2011 attesting to: (i) BanxCorp's document retention policies

and procedures; (ii) the search methodology undertaken by BanxCorp to review and produce documents responsive to Bankrate's requests for production of documents and required by Fed. R. Civ. P. 26(a); (iii) any documents previously maintained by BanxCorp that have been lost or destroyed, if any, and identifying how and when any such documents were lost or destroyed and the circumstances of such loss or destruction; (iv) the identities of all employees, officers, and directors of BanxCorp since 2000 (including any individuals who had or have a BanxCorp e-mail address) and identifying which of those individuals' electronic databases have been searched; (v) the location and description of any electronic storage devices containing BanxCorp information, including any back-up discs or systems of electronically stored information, maintained by BanxCorp since 2000; (vi) the total volume (in gigabytes) of all BanxCorp electronic data, the volume of data broken down by BanxCorp custodian, the total volume of email currently in BanxCorp's possession broken down by custodian, and the total amount of hard copy documentation maintained or stored by BanxCorp; and it is further

**ORDERED** that counsel for Bankrate may depose BanxCorp officer Norbert Mehl regarding BanxCorp's document and information retention policies and procedures and its document review in response to Bankrate's requests for production of documents.

A handwritten signature in black ink, appearing to read 'Madeline Cox Arleo', written over a horizontal line.

Hon. Madeline Cox Arleo, U.S.M.J.